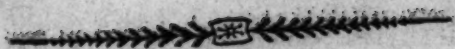
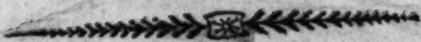


1609 / 5701



REVOLUTIONARY
DIALOGUE
ON THE
REVOLUTION.



1609/5701.

D I A L O G U E

OF THE

R E V O L U T I O N .

A
D I A L O G U E
ON THE
R E V O L U T I O N ;
BETWEEN A
GENTLEMAN AND A FARMER.

MANCHESTER PRINTED,
And DUBLIN Re-printed, and sold at No. 49,
Essex-street, and at all the Booksellers.

M.DCC.LXXXVIII.



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A

D I A L O G U E

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R E V O L U T I O N , &c.

F. PRAY, master, as I hear a great deal of talk about the Revolution, will you inform me what it means exactly, and why it is mentioned so often?

G. Why, friend, the *Revolution* is a name given to an event that took place in *England* exactly one hundred years ago, when King James the II^d. was compelled to leave the kingdom for misbehaviour to his subjects; and William the III^d. was called in to succeed him. The political principles on which this conduct was justified, are called *Revolution Principles*; and those who are of opinion that the people have a right to dethrone a King who grossly abuses his authority, and violates his trust, are called *Revolutionists*; and such, in fact, are all who can reasonably pretend to any loyalty towards our present sovereign; whose title to the throne is founded on the right of the people to act as they did.

F. I do not well understand what right the people had to turn King James out of the kingdom—it was treating him rather like the Servant of the people, than their King.

G. Suppose you and I make a bargain, either expressly in writing, or it is understood between us that certain conditions are mutually to be observed; if I break my part of the contract, should you think yourself obliged to perform yours?

F. No, certainly; but what contract was there between King James and his people?

G. That contained in *Magna Charta*, and the other known laws of the land; by which certain duties were to be performed by the Kings of England, whoever they might be, and in consideration of which, certain privileges were allowed them, and obedience enjoined toward them. Certain rights and privileges were also expressly declared to belong to the Subjects, which were no otherwise to be infringed, than in consequence of the due course of law. Thus, the making or enacting of laws belonged to the three estates of the realm—the King, Lords, and Commons, conjointly—the executing these laws belonged to the King alone, and those whom he should appoint; and it became of course the particular duty of the King, to take care that the laws enacted, were properly executed: Again—*Magna Charta* declares, that no person shall be turned out of his possessions, or imprisoned, unless by the judgement of his equals, or by the law of the land. This, therefore, was one among the rights of the subject; and if the King should either neglect his duty on the one hand, or infringe on the rights of the people on the other, and continue so to do, after due representations were made to him—as he would break his part of the contract towards his subjects, they would not be bound to fulfil theirs toward him.

F. This seems reasonable, to be sure.

G. Nor would the same doctrine be unreasonable, if there were no express or written laws which formed the contract between the King and the people; for it must always be understood that there are duties to be performed by every King, in return for the obedience paid by his subjects.

F. It may be so; but I wish you would explain yourself a little more at large.

G. Do not you think men are happier, living as they do, in large societies or nations, than if they were totally separate, and unconnected, each exposed to the depredations of another?

F. No doubt they are.

G. What makes them so?

F. I suppose it is because they are bound to assist one another against the violence of any stranger; and they are governed by laws, which settle what may, and

and what may not be done; and those are punished who do wrong.

G. Then the use and end of what is called Civil Society, appears to be the security, comfort, and happiness of the people who compose it; for the laws you speak of tend to that.

F. I should think so.

G. But as nobody in particular will do what is the business of every body, these regulations would not answer the end, unless the management of them were committed to some persons, whose particular province it should be, to take care that good laws were made, and properly executed.

F. Certainly.

G. That is, unless Kings or Governors, or Chief Magistrates were appointed; for you know the principal persons in every nation to whom the care of protecting the state, and making and executing laws is committed, are generally known by one or other of those, or similar names.

F. No doubt of it.

G. Then the governors of a nation, whether they are called Kings or Emperors, or Dukes or Stadtholders, are for the purpose of attaining the ends of civil society, more completely than could be done without them.

F. To be sure they are.

G. That is, in fact, for the security, comfort, and happiness of the whole.

F. So it appears.

G. And if civil societies did not exist, there could be no such persons; for a king, you know, must be king over somebody—and a governor must have somebody to govern.

F. Clearly.

G. Then they exist in these capacities merely in consequence of civil society.

F. Of course.

G. And the titles and honours given to them, and the obedience paid them, are in return for the care they are to take; and to enable them to perform the duties of their station, more easily, and effectually.

F. So it should seem.

G. It appears, then, that there is in all cases an implied contract between the governors of a nation, and those who are governed, viz. that the former should promote, to the best of their power, the ends of civil society,

society, or the security and comfort of the people; and these, in return, should allow such honours and emoluments as are mutually deemed proper.

F. It does appear so to me.

G. But if, instead of contributing, the governors should defeat the very end and intention of civil society; and destroy, instead of promoting the happiness of the nation, would there be any reason to continue the honours and emoluments paid to them?

F. Surely not.

G. On the contrary, are they not in fact the enemies of the state?

F. Why, indeed, those who defeat the first and only object of civil society, cannot be accounted the friends of it.

G. And if such persons are permitted to proceed in their career, the happiness of the people must be entirely subservient to the interests and inclinations of iniquitous governors.

F. I see plain enough the obvious remedy is to turn them out of their office: but one difficulty occurs to me, and that is, Kings are not elected by the people every time that death occasions a vacancy, otherwise your observations would hold indisputably.

G. That difficulty hardly holds at all with respect to our country; where, although every particular monarch is not elected, because we are willing to avoid the evils of an election to a trust so desirable, yet the *families*, or *stocks* from whence the kings succeed by heirship, are elective, as is well known to every constitutional lawyer. But let us suppose, that in England, for instance, the king derived his title merely by hereditary right—the *first* of the succession could not have done so: and either every king succeeds to the duties and privileges of his predecessor, or if he arrogates new and extraordinary privileges, it must of course be with the consent, express or implied, of the people who are to submit to them; and as the *first* would not have enjoyed his title and privileges without the consent of the people, and in return for fulfilling the duties of the office, every other, whose title is derived, immediately or remotely, from the *first*, must of course be liable to the same terms of the contract; so that in all cases there are duties to be performed on the part of the King, in return for the privileges conceded on the part of the people; and if he fails in the one, they are not bound in the other. There
are

are other arguments that might be stated, which would put the right of the people to consult in all cases the good of the whole, in preference to the interest of any individual, beyond all reasonable doubt.

F. Well; I should like to know something more on this subject.

G. I should think that what I have just now stated, is self-evident. But to be more particular—Do you know how many people the King's dominions may contain?

F. No, indeed; I never heard any thing about the matter.

G. They are computed to have at least ten millions at present; and considering that America belonged to the crown of Great Britain in King James's time, the number of his subjects could not be much less than those of King George.

F. It may be so, perhaps; but what then?

G. Ought a friend to mankind, think you, to prefer the welfare and happiness of ten millions of people, and their posterity, or the private interest of one man? In other words (as to the case in point) do you think that ten millions of subjects were permitted to exist, for the sole gratification of King James?

F. Surely not.

G. Then you suppose, perhaps, that in this, as in all similar cases, the ends of society, and of good government, would be better answered by promoting the happiness of a great number, rather than of a single individual.

F. No doubt of it.

G. Whether that individual be a King or a subject?

F. Why, indeed, I should think so, unless I could imagine that ten millions of people were permitted to exist, as you state it, for the sole gratification of King James, which no man of common sense, one would suppose, could possibly imagine.

G. But what if a King should sacrifice the welfare of his subjects, to the gratification of his own pleasure, vanity, or ambition?

F. He ought to be prevented, if possible, by those who are about him: they should certainly be bold enough to tell him, if he does wrong in any great degree.

G. Put the case, that he refuses in all instances to adopt or listen to good advice—What are you to do then?

B

F. I see

F. I see no alternative, as a friend to my country or mankind, but to vote for his being deposed.

G. But to put the general consideration of the good of mankind out of the question for a moment—Do not you think that you yourself are concerned in the welfare of the nation?

F. No doubt of it.

G. And so is your family?

F. Certainly.

G. Which do you conceive yourself bound to prefer—the welfare and happiness of yourself and your family, or the gratification of an arbitrary monarch?

F. My family, beyond all doubt, and myself, of course, for their sakes.

G. Then make the supposition, that nothing would stop the career of despotism, but the expulsion of the tyrant—What ought you to do—to consult the permanent happiness and security of yourself and your posterity, as well as of ten millions of fellow-citizens, or the temporary and improper gratification of one man?

F. But how could I, or any single person, do any good?

G. The observations we have been making relate just as much to every individual among the subjects of any monarch whatever, as to yourself: you are all mutually bound to protect each other against injuries to which you are all liable, and if you knew your duty, and were willing to act up to your knowledge, it would never be difficult to resist the progress of arbitrary power.

F. But, though we were all willing, it is impossible to suppose that a whole nation should rise up as one man, at the same instant.

G. Then you would be under the greater obligation to such individuals as should stand in the gap of danger, and set so good an example to the rest.

F. No doubt of it; but did King James go on in such a manner that the people were compelled to dethrone him?

G. Even if the facts did not remain upon record to speak for themselves, it could not be credited that so rough a remedy should be so unanimously adopted, if the disorder would have admitted of milder treatment; especially considering the danger to the individuals who first prescribed it: but a short summary of the measures which that monarch persisted in, and which I can select for you, from the histories of the times, will best explain the reasons of his being dethroned.

Immediately

Immediately on the death of King Charles II. James called together the Privy Council, to whom he made the following most gracious declaration; which, at their command, was published in the Gazette.—“My Lords; before I enter upon other business, I must say something to you. Since it hath pleased Almighty God to place me in this station, and I am now to succeed to so good and gracious a King, as well as so very kind a brother, I think it is fit to declare to you, that I will endeavour to follow his example—and, most especially, in that of his great clemency and tenderness to his people. I have been reported to be a man of arbitrary power: but that is not the only story that has been made of me; and I shall make it my endeavour to preserve this government, both in Church and State, as it is now by law established. I know the principles of the Church of England are for monarchy; and the members of it have shewn themselves good and loyal subjects; and I shall always take care to defend and support it. I know, too, that the laws of England are sufficient to make the King as great a monarch as I can wish; and as I shall never depart from the just rights and prerogatives of the Crown, so I shall never invade any man's property. I have often ventured my life in defence of the nation, and I will still go as far as any man, in preserving it in all its just rights and liberties.”

The first act of his reign was to seize upon the customs and excise for his own use, without the authority of Parliament, although they had been expressly given to Charles the II^d. for his own life only. Thus he took care to “invade no man's property.”

On the Sunday immediately after his accession, he went publicly to mass—thus did he take care to fulfil his promise, “that he would make it his endeavour to preserve the government, both in Church and State, as by law established;” and in particular, that “he would always defend and support the church of England.” This promise he took perpetual care also, during every moment of his short reign, to preserve inviolate, by admitting Papists into the Privy Council, by forcing them into the church—by sending an Ambassador to Rome—by publicly receiving the Pope's nuncio—by suspending those of the Clergy who opposed the doctrines of the church of Rome—by imprisoning in the Tower seven of the Bishops who remonstrated (very humbly) against his proceedings—

and by innumerable proceedings of a similar nature, all tending to subvert the established religion of the land. Now, though no man ought to be punished merely for being a Papist, on the contrary it is a duty incumbent upon him to be one, if upon mature and serious consideration he should see reason to adopt that persuasion, the conduct of James, in supporting Popery, was unjustifiable, as being in direct opposition to the known wishes of the nation, and to the declared terms on which he began his reign; much more intolerable was his persecution of Protestants for being so.

How closely he followed his brother's example, "especially in his great clemency and tenderness towards his people," will appear from the countenance he gave to the infamous Judge Jefferies, in particular; whose path was marked with cruelty and slaughter, wherever he went. When this man was sent out with a commission to try those who had engaged in the Duke of Monmouth's rebellion, his savage thirst of blood was a subject of outcry throughout the whole kingdom; but James, who had a particular account of Jefferies's proceedings, sent to him every day, took pleasure in relating to his foreign Ministers in the Drawing-room, transactions which made every one else shudder, and jestingly called them, "Jefferies's Campaign;" and when this monster of iniquity, having completed his commission, returned in triumph to London, he was received as one whom the King delighted to honour; and immediately made a Peer and Lord Chancellor, in consideration of the many eminent and faithful services rendered by him to the Crown, as well in this reign as the last; for so it was declared in the Gazette.

The clemency and tenderness of this monarch was also shewn very remarkably in the case of Mr. Samuel Johnson; who for writing against the Papists, and the countenance shewn to them, was ordered to be imprisoned, and to be publickly whipped; and when James was requested to remit the punishment of the lash, he replied, "that since Mr. Johnson had the spirit of a martyrdom in him, it was fit he should suffer." Johnson accordingly received 317 lashes with a cat o'nine tails, for doing what every other honest Protestant ought to have done.

His regard for "the laws of England, and the rights and liberties of the people," appeared in his claiming and exercising a power of dispensing at pleasure with the laws of the land, thereby making himself completely arbitrary;

arbitrary ; in his perpetual interfering in elections of every kind ; in his overturning the constitutions of such corporate bodies as opposed in the slightest degree, the most flagrant violation of their rights ; such as in the instances of the Charter-house, Magdalen College, &c. and in his perpetual and notorious infringement of the laws, even in the common courts of justice, whenever it suited his interest or his inclination ; in retaining those judges only, who would implicitly coincide with his intentions, and imprisoning the rest ; and in his throwing aside the militia *expressly* as useless, and keeping up a standing army without the authority of Parliament, and contrary to law, for the manifest purpose of over-awing the nation.

Such are some among the perpetual innovations on the rights of the people, which this last of a tyrannic family was guilty of—had they occurred now and then only, and had the people, by means of their Parliament, possessed an opportunity of bringing to condign punishment the wicked advisers of a misguided prince, his person and his power would have been safe ; but he was himself his own adviser ; he protected delinquency—he punished innocence—he used the power entrusted to him, for purposes, widely different from the uses intended, viz. in preparing the chains of absolute slavery for his subjects and their posterity ; and we should have had ample reason at this day to curse the supineness of our forefathers, if they had permitted the tyrant to remain on his throne.

F. Why really there seems to have been reason good enough for doing as the people did ; but how was it managed ; did every body rise up in arms at once ?

G. No ; that we have agreed is in every case next to impossible : it is natural to suppose that the wisest men would first see the necessity of resistance, and the most spirited would first make it : whether it agreed with the sentiments of the people at large, would be pretty well ascertained from the countenance they would afford it—and that a large majority of the nation were decidedly in favour of the measures taken, appeared sufficiently from the remarkable success that attended them ; nor is it to be expected, that every punctilio of form should be complied with, when the enemy is at the gates, and when compliance in mere matters of form, would materially endanger success as to the substance

substance—but it is evident enough from the histories of the time, that as much regard was had to regularity, and to the principles of the constitution in the proceedings against James the 1st. as the nature of the case could possibly admit.

F. Well, I am much inclined to your opinion; when fair means will not do us justice, force must.

G. There is no alternative, if we mean that justice should be done—nor can we justify our conduct to ourselves, or to our children, or to our country, or to God, if we tamely suffer national injustice to be exercised with impunity, and purchase our own ease with the rights of others.

F. There is certainly truth in what you observe—but did the nation gain any thing by the change?

G. A great deal; as you will see by the declaration of rights, which I will shew you; the usurpations of the crown were considerably curbed, and the rights of the people, in those instances at least wherein James had infringed upon them, were tolerably well defined; something indeed yet remains to be done to prevent the influence of a bad monarch, if such a one should happen to possess the throne—Open and direct violations of the laws can no longer be attempted, but acts of national oppression and injustice may yet be committed, with all the forms of constitutional authority, by the excessive influence of the Crown in Parliament.—The house of Commons, for instance, from the *inadequate representation of the people*, so far from speaking in all cases the sense of the majority of the nation, has frequently decided in direct opposition to the voice of the people.—Nor was the *duration* of Parliaments sufficiently ascertained on the expulsion of James.—They were indeed afterwards settled to continue for three years, till that most execrable violation of national justice was committed in the reign of George 1st. by a set of people calling themselves *Whigs*, who being elected for *three* years, of their own accord took upon them to continue self-chosen representatives for four years longer. Since then, the Parliament has had what is called a Septennial duration. The evils that arise from this inadequate representation of the people, and extended duration of Parliament, every lover of his country cannot but bewail—and a thorough reformation in these particulars seems at present the “one thing needful.” in the internal politics of this country—on this subject however,

however, you and I may possibly have some farther discourse.

Nor perhaps were the *religious rights* of the people put upon a proper footing at the Revolution. If a man be a good husband, a good parent, a good neighbour and a good citizen, it is all that a civil community can require of him—the rest, that relates to *another world*, cannot with any propriety come under the jurisdiction of the powers of *this*—it must be between God and his own conscience.—And can any body doubt but good husbands, and parents, and neighbours, and citizens, are to be found of all nations and of all religious persuasions?—Do not the precepts of every known religion enforce all the essential duties of morality? It is therefore highly improper that any man should be punished directly or indirectly, by actual infliction, or negative restrictions *here*, for that part of his conduct which relates solely to *hereafter*. It is moreover punishing a man for doing what the laws of God and his own conscience enjoin him to do.—We are “to prove all things, and hold fast that which is good;” and as no man can *ultimately* judge for another, no man can justly be punished for judging for himself. Let the civil magistrate take proper care of the *actions* of his subjects, and their *opinions* he may leave to themselves.

Some excuse indeed may be made for the hard laws enacted against the Papists, at the accession of King William, on account of the particular circumstances of the times; but in the present enlightened age, and in this enlightened nation, the continuance of penal laws, and civil restrictions, on the sole ground of religious opinions, is the effect of something very opposite to the spirit of Christianity.

F. I hope they have not left us much else to do.

G. There is at least one other point of material importance yet remaining; for it cannot be said that sufficient care was taken at the Revolution, to secure that great bulwark of the liberties of the people, *the Liberty of the Press*: an omission which the legal ingenuity of the present day is soon likely to make us feel the want of.—How are the people to remonstrate against, or to resist undue encroachments of entrusted authority, if they are not permitted to be made acquainted with them? How are they to judge of the merit or demerit of public characters, if their public conduct may not be discussed?—Once stop that grand source of popular information on political

political topics, the *Press*, and one act of despotism may press upon another, under the dark cover of national ignorance, till the rights of the people are finally overwhelmed.

F. But is the liberty of printing ever likely to be forbidden ?

G. No : there is no great danger that a *direct* prohibition will ever be laid upon the discussion of national subjects ; but the time may come, when political information will be indirectly suppressed, by those who dread its influence, but fear to attack it openly.—Thus—Let us suppose that some dangerous attempt on the rights of the people, is meant to be defended on plausible grounds. The nation would certainly be obliged to that man who would “ sound the trumpet in Israel,” and open their eyes to the danger of the precedent. A direct prohibition of the publication would not be attempted ; but the author might be indicted for a *Libel*, and if a corrupt Judge could persuade a Jury that *they* were mere judges of the fact, whether the accused was the author and publisher or not, but that the *Court* alone was competent to decide whether the work was published with a libellous intent, and whether it amounted to a *Libel* or not—no more would be necessary to punish severely the benefactor of his country, and reward with the Prison and the Pillory, the man who deserved the thanks of the Nation.

F. This is a subject worth considering, if it be as you state it.

G. And it is so. The Liberties of the people then may ultimately be destroyed by the coincidence of three circumstances that have in more instances than one already coincided, viz. a corrupt administration, corrupt Judges, and the persuasion among Juries, that they are not, what they really are, judges of the law as well as the fact, in all cases where these are compounded ; and universally they are so in cases of libel. The most important step is nearly accomplished at this day ; a doctrine is now perpetually echoed from the courts of justice of this kingdom, unknown to former days, so far as I can find, till the time of *Jefferies*, of notorious memory, “ that Juries are *not* judges of the law as well as of the fact ;”—that they have *no* right to decide from the facts in evidence, in the case of libel, what was the *intention* of the author, or what the *tendency* of his work, although they themselves are of that public to whose tribunal every

every author appeals; and as one would suppose, at least sufficiently competent from their own feelings, on the hearing or perusal, to decide on the effect a publication would have on men like themselves.

F. But how are we to judge of the law, who know nothing about it.

G. The question is not, whether jurymen are accurate lawyers; but whether they, as a part of the public, are competent to judge of that, which was intended expressly for the public; namely, the intention of the writer, and the tendency of his performance. Modern determinations have adopted these as questions of law, as if nobody could decide from the facts in evidence, of the design of the man to whom they are imputed, but a mere technical lawyer.

But in fact, in cases of far more particular importance, jurymen perpetually decide on the *intention* and *tendency* of an action done. Thus, I strike a man over the head; he dies in consequence of it; I am indicted for murder: is it not material for the jury, before they can bring me in guilty of murder, to collect from the facts in evidence, whether my intention was to hurt the person deceased? or whatever my intention might be, is it not necessary to inquire what was likely to be the effect of a blow struck in that manner; what was the tendency of it? whether if I had no ill intention, I took common and reasonable precaution to do no material harm? these, and similar questions, which a Jury would decide upon without scruple in a case of life and death, go directly to the *intention* of the person doing the action; and the *tendency* of the action done. In like manner, there would be no more difficulty in deciding in cases of libel, what was the intention of the author from the complexion of his work; whether to propagate useful information, or sentiments of sedition; or whether the work had, or had not, an obvious tendency to injure the peace of society, than on the similar inquiries in cases of murder.

F. I really do not see any more difficulty in the one than the other.

G. Nor, as I should think, any other man of unbiased understanding; but having gotten thus far on the road to despotism, we want nothing but the two coincident circumstances to be added, of a corrupt administration and corrupt judges, to make every man of common sense, who has the good of his country at heart, tremble at the event of a conjunction, which will effectually shut

up from the people their only source of political information. At present they are not met, and long may they keep separate.

But the time has been, when these circumstances have coincided. They did so, (for instance) when Sir Samuel Barnardiston was indicted for a Libel, (in which he had panegyrized Lord Ruffel and Algernon Sydney) before Chief Justice Jefferies, the favourite of the Tyrant, whose expulsion I have related. Whoever will read the passages on which the indictment was founded, as quoted in the State Trials, will be surpris'd at the possibility of making them the foundation of a criminal charge—but when it is farther considered that these libellous passages, as they were termed, were extracted from private letters to a confidential friend, and no otherwise published than in being sent to the post-office, he will be still more surpris'd that a jury could be found to pronounce the word "*guilty*" upon an occasion so trivial. On Sir Samuel's counsel very naturally observing that the seditious and libellous intention ought to be proved, Jefferies laid down the very doctrine which the judges of the present day have adopted, in turn of thought and expression so like to that of a late chief justice in a similar case, that every one must be struck with the coincidence, who will be at the pains of making the comparison. He observes in substance, that the action itself was all that was necessary to be proved to them; that the words falsely, seditiously, maliciously, factiously, were the formal part of the indictment; that the intention must be submitted to the judgment that reason and the law would pass upon the words or actions; that if they believed Sir Samuel Barnardiston did write and publish the letters, that was proof enough of the words maliciously, seditiously, and factiously laid in the information; the jury took for granted the opinion of the judge; and the words being proved to have been contained in the letters, and the letters sent to the post-office, they brought in a verdict *guilty*; and the conscientious Chief Justice fined the delinquent ten thousand pounds.

I hope, however, my friend, that if you should be called upon to serve your Country as a jurymen, you will have common sense enough to remember, that before you can be authorized upon your oath to declare to the world that a man is *guilty* in doing an action of which he is accused, it is at least as necessary for you to know the *intention* of the doer, and the *tendency* of the thing

thing done, as to know the action itself; for a greater absurdity cannot be uttered, than that a man is *guilty* of doing something with a good intention and of a good tendency—which, if you neither inquire into the one or the other, may be the case for ought you know. I'll lend you the declaration of rights to refresh your memory on the subject of this long conversation, and I hope you will not fail yearly to drink a sober glass to the glorious and immortal memory of those who promoted the *Revolution*, observing, however, that it is neither necessary nor fit that you should make politics the business of your life, and neglect the more immediate duties of your station; but that you should bear in mind, on every occasion wherein the rights of the people appear to be concerned, that you among the rest are interested in their preservation; and in the mean time take care to increase that interest by a proper attention to the important duties of industry, frugality, and strict integrity.

F. That you may depend on; and if I should forget what you have said, I hope when we have both leisure, you will be at the pains of assisting my recollection,

G. Most willingly.

WHEREAS the Lords Spiritual and Temporal, the Commons, in Parliament assembled, and lawfully representing all the estates of the people of Great Britain, did upon the 12th day of October, in the 1st year of our said Lord, 1688, present unto their Majesty, then called and known by the names and titles of William and Mary, Prince and Princess of Orange, being then in their proper persons a certain declaration in writing made by the said Lords and Commons, in the words following, viz.

Whereas the late King James the Second, by the advice of divers evil Counsellors, Judges, and Ministers employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom.

It is thinking and exercising a power of dispensing with, suspending or transgressing of, and the execution of Laws, without consent of Parliament.

ABSTRACT

renewed, as to know the reason why; for a greater
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*Declaring the Rights and Liberties of the
 Subject, and settling the Succession of the
 Crown. 1 Will. and Mary, sess. 2. ch. 2.*

WHEREAS the Lords spiritual and temporal, and
 Commons, assembled at Westminster, lawfully
 and freely representing all the estates of the people of
 this realm, did upon the 15th day of February, in the
 year of our Lord, 1688, present unto their Majesties,
 then called and known by the names and stile of William
 and Mary, Prince and Princess of Orange, being pre-
 sent in their proper persons, a certain declaration in
 writing made by the said Lords and Commons, in the
 words following, viz.

Whereas the late King James the Second, by the assist-
 ance of divers evil Counsellors, Judges, and Ministers
 employed by him, did endeavour to subvert and extir-
 pate the Protestant Religion, and the Laws and Liberties
 of this kingdom.

1. By assuming and exercising a power of dispensing
 with, and suspending of laws, and the execution of
 laws, without consent of Parliament.

2. By

2. By committing and prosecuting divers worthy Prelates, for humbly petitioning to be excused from concurring to the said assumed power.

3. By issuing, and causing to be executed, a commission under the Great Seal, a Court, called a *Court of Commissioners for Ecclesiastical Causes*.

4. By levying money for and to the use of the Crown by pretence of prerogative, and for other time and in other manner than the same was granted by Parliament.

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law.

7. By violating the freedom of Election of Members to serve in Parliament.

8. By prosecutions in the Court of King's Bench, for matters and cause cognizable only in Parliament; and by divers others arbitrary and illegal courses.

9. And whereas of late years, partial, corrupt, and unqualified persons, have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders:

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects:

11. And excessive fines have been imposed, and illegal and cruel punishments inflicted:

12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons on whom the same was to be levied.

All which are contrary to the known laws, and statutes, and freedom of this country.

And whereas the said late King James the Second having abdicated the Government, and the Throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from Popery and arbitrary power), did (by the advice of the Lords spiritual and temporal, and divers other principal persons of the Commons) cause letters to be written to the Lords spiritual and temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports, for the choosing of such persons

persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two and twentieth day of January, in this year, 1688, in order to such an establishment as that their religion, laws, and liberties, might not again be in danger of being subverted, upon which letters elections have been accordingly made.

And thereupon the said Lords, spiritual and temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration, the best means for attaining the ends aforesaid, do in the first place, (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare,

1. That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for executing the late court of commissions for ecclesiastical causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That the levying money for, or to the use of the crown, by pretence of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitions are illegal.

6. That the raising or keeping a standing army in time of peace, unless it be with consent of Parliament, is against law.

7. That the subjects, which are Protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

8. That elections for Members of Parliament ought to be free.

9. That freedom of speech, and debates, and proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That

11. That Jurors ought to be duly impannelled and returned, and Jurors which pass upon men in trials for high treason, ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties, and that no declarations, judgments, doings, or proceedings, to the prejudice of the people, in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

F I N I S.

... That laws ought to be both impartial and
... and laws which pass upon men in trials for high
... ought to be impartial.
... That all events and premises of law and for-
... of particular persons before conviction, are il-
... and void.
... And that for rights of all citizens, and for the
... and preserving of the law,
... ought to be held together.
... That the rights, demands, and laws which are
... against the premises, in their undoubted rights and li-
... and that no conviction, judgment, demand, or
... proceeding, to the prejudice of the people, is not il-
... the said premises, ought to be held together.
... into consequences or examples.



